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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 **JOSHUA ASSIFF,**

12 **Plaintiff,**

13 **v.**

14 **COUNTY OF LOS ANGELES;**
15 **SHERIFF DEPUTY BADGE**
16 **NUMBER 404532;**
17 **And DOES 1 through 10,**

18 **Defendants.**

Case No. 2:22-cv-05367 RGK (MAAx)

**MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION TO
DEFENDANTS' MOTION IN LIMINE
#9**

Action Filed: August 3, 2022
Pretrial Conference: July 10, 2023
Trial Date: July 25, 2023

Assigned to: Hon. R. Gary Klausner,
District Judge, Courtroom 850

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21 Plaintiff, JOSHUA ASSIFF (hereinafter "Plaintiff") hereby respectfully
22 submits the following memorandum of points and authorities in opposition to
23 Defendants' motion in limine #9 to bifurcate the issue of punitive damages.

24 **I. INTRODUCTION**

25 Plaintiff is a 21-year old black male and a student at Antelope Valley College
26 where he plays basketball. Plaintiff was driving from his home to a teammate's house
27 in order to carpool to basketball practice. For no apparent reason and without
28 probable cause, KELLY, a male Caucasian motorcycle Sheriff deputy, pulled

1 Plaintiff over. For no apparent reason and without probable cause, KELLY – as well
2 as other deputies who subsequently responded to the call – all tasered, choked, pepper
3 sprayed, beat and arrested Plaintiff. Plaintiff has asserted the First Cause of Action
4 against KELLY for violation of 42 USC § 1983 (arrest without probable cause and
5 with excessive force).

6 Plaintiff seeks punitive damages from Defendant Kelly.

7 **II. THIS MOTION SHOULD BE DENIED**


8 Defendants argue that in this motion in limine that not only the issue of
9 punitive damages should be bifurcated, but also the issue of compensatory damages.
10 (See, Motion p. 10 ln. 7-10) *Defendants cite to no authority for the proposition that*
11 *compensatory damages should be severed from liability nor explain why such a*
12 *bifurcation would be in the interests of judicial economy.* In fact, it would not be.
13 Any bifurcation will require the unnecessary duplication of effort and the repeated
14 presentation of the same evidence.

15 **IV. CONCLUSION**

16 For the reasons set forth above, this motion should be denied.

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18 DATED: June 30th, 2023

The Law Office Of Thomas M. Ferlauto, APC

19
20 By: 

21 Thomas M. Ferlauto

22 Attorney For: Plaintiff, JOSHUA ASSIFF
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